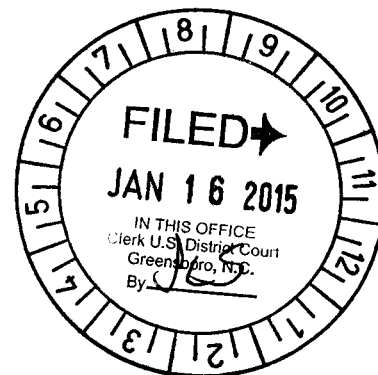


**UNITED STATES DISTRICT COURT**  
**for the**  
**Middle District of North Carolina**



**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
(Probation Form 49, Waiver of Hearing Is Attached)

Name of Offender: RUBEN D. MCLAIN Case Number: 1:10CR341-1  
Name of Sentencing Judicial Officer: The Honorable James A. Beaty, Jr.  
Date of Original Sentence: June 29, 2011  
Original Offense: Conspiracy to defraud the United States in violation of 18 U.S.C. § 371. Failure to pay over payroll taxes in violation of 26 U.S.C. § 7202. Health care fraud in violation of 18 U.S.C. § 1347 (2) & (2). Tax evasion in violation of 26 U.S.C. § 7201.  
Original Sentence: 24 months custody of the Bureau of Prisons to be followed by a three year term of supervised release  
June 26, 2014: Modification for Fine Payments was filed.  
Type of Supervision: Supervised Release Date Supervision Commenced: July 5, 2013  
Date Supervision Expires: July 4, 2016  
Assistant U.S. Attorney: Robert M. Hamilton Defense Attorney: David B. Freedman

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for years, for a total term of years.  
☒ To modify the conditions of supervision as follows:

In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of the term of supervised release, The defendant shall make payments in equal, monthly installments of not less \$25 to begin 2/1/2014. In addition, any arrearage is to be forgiven.

**CAUSE**

Mr. McLain has been unemployed since his release on July 5, 2013. He retained employment with Pathway Intervention Services where he works part-time and his net income is \$460 per month. He resides with his sister and brother-in-law and supports his wife and four children. His wife is also under federal supervision as a codefendant and her monthly restitution payments have also been reduced to \$25 per month.

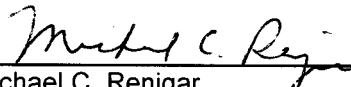
Mr. McLain has paid \$379.06 since his release from prison. He has been able to pay \$25 per month.

**RE: RUBEN D. MCLAIN**

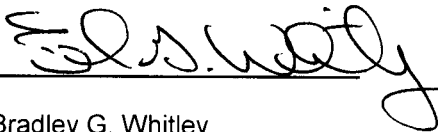
Should Mr. McLain's economic status change, we will notify the Court and recommend a different payment schedule.

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Respectfully submitted,

  
Michael C. Renigar  
U.S. Probation Officer

Approved by:

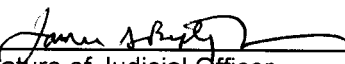
  
Bradley G. Whitley  
Supervisory U.S. Probation Officer

1-8-2015  
Date

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THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

  
Signature of Judicial Officer

January 15, 2015  
Date

**UNITED STATES DISTRICT COURT**  
**for the**  
**Middle District of North Carolina**  
**Waiver of Hearing to Modify Conditions**

**of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision.

Restitution in the amount of \$1,313,800.14, shall be paid in installments at the rate of \$100 per month until paid in full, with the first payment due 60 days after the commencement of the term of supervised release and continuing during the entire term of supervised release or until paid in full.

Due to financial hardship it is recommended the payment schedule be modified to \$25 per month.

Witness:

Michael C. Renigar  
U.S. Probation Officer

3-21-2014

Date

Signed:

Ruben D. McClain  
Probationer/Releasee